

Appl. No. 09/246,578  
Amdt. Dated MM/DD/YYYY  
Reply to Office Action of 02/06/2004

### REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed 02/06/2004. In the Office Action, claims 1-20 are rejected under 35 U.S.C. § 103. Reconsideration in light of the remarks made herein is respectfully requested.

Claims 1-20 remain in this application.

#### *Rejection Under 35 U.S.C. § 103*

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner et al. (US 6,084,956), in view of Boese et al. (US 5,084,816). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143, p. 2100-124 (8<sup>th</sup> Ed., rev. 1, Feb. 2003). Applicants respectfully contend that there is no suggestion or motivation to combine their teachings. Before setting forth the reasons for traversing the outstanding §103(a) rejection, a brief review of the cited references may be appropriate.

Turner discloses the interworking function which couples the network controller and the data network to the SS7 network (Turner, col. 5, lines 38-39). The control message processing function in the network access server models and maintains a basic set of states for controlling and managing the trunk resource (Turner, col. 8, lines 38-41). The set of states need to maintain sufficient information such that appropriate response messages can be sent back to the CCS7

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Interworking node. The appropriate response message is sent to reflect the status of trunk resource used for the call (Turner, col. 8, lines 41-45).

Boese discloses real time fault tolerant transaction processing system. Signaling network management controls routing of message signal units (MSUs) based on data and information regarding the status of the links and nodes forming the network (Boese, col. 16, lines 45-50). Link status signal units (LSSUs) indicate status of the link (Boese, col. 17, lines 48-49). A preset message is sent with a routing label for a specific destination. When this specific destination receives this message, it must acknowledge receipt (Boese, col. 18, lines 23-28).

The Office Action failed to identify, in Turner and/or Boese, one or more of the following, *inter alia*, a method and apparatus to (1) send a status message to a gateway, the gateway ... to transmit signaling information between the telephone switch and the access server (claims 1, 14 and 20), (2) acknowledge the access server that the status message was received (claims 1, 14 and 20), or (3) send a continuity check message from a gateway to an access server (claim 12).

As previously stated, claims 1, 14 and 20 includes the limitation of a status message from an access server to a gateway. The Office Action did not provide reasoning to equate the response message in Turner with the status message from an access server to a gateway as contended.

Furthermore, the Office Action failed to identify the gateway element as supported in the specification. The gateway is a separate entity providing gateway service to a community of one or more remote access servers. (See Specification, page 21, lines 17-26). It performs several termination functions including SS7 protocols, IP and LAN protocols, Open Access Signaling protocol, mapping functions, and other support functions. (See Specification, pages 22-23).

Claim language should be interpreted consistently with the specification, which provides content for the proper construction of the claims because it explains the nature of the patentee's

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invention. See Renishaw, 158 F.3d 1243, 1250, 48 USPQ2d 1117 (Fed. Cir. 1998). The Office Action has not interpreted the gateway consistent with the specification.

The Office Action further states that Boeses teaches that the status message indicates the transmitter is operational and the capabilities of the transmitter. However, Boeses merely discloses an alignment process where an STP or SCP sends the status messages to another STP or SCP (Boeses, col. 18, lines 1-5). In contrast, in the present invention, as recited in claims 1, 12, 14 and 20, the status message is sent from an access server to a gateway. Neither the STP nor the SCP in Boeses is equivalent to an access server or a gateway. As shown in Figures 2, 4 and 5, and page 19, lines 5-17 of the Specification, the access server (elements 215 and 225) and the gateway (element 205) are separated from the STP (element 103) and the SCP. As discussed above, the gateway performs functions substantially different than the STP or SCP.

The Office Action states that the status acknowledge message indicates the message is received (Office Action, page 3, second full paragraph). However, Boeses does not disclose acknowledge of a status message. Boeses merely discloses the SCP must acknowledge receipt of a preset message and a routing label for a specific destination (Boeses, col. 18, lines 25-28). This acknowledgement is only sent if the routing label is correct and not sent if the routing label is wrong (Boeses, col. 18, lines 27-31).

The Office Action further states that Boeses teaches transmitting status signal units or messages between the at least two nodes (Office Action, page 3, second full paragraph). However, these messages are mainly for alignment purposes (Boeses, col. 18, lines 3-5), not for continuity check as recited in claim 12. Furthermore, Boeses merely discloses communication between the SCP and STP, not between the access server and the gateway. As discussed above, neither the SCP nor the STP is equivalent to the access server or the gateway.

In light of the foregoing, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103(a) rejection.

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***Conclusion***

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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